

REMARKS/ARGUMENTS

The Office Action of June 19, 2006 rejects claims 1-40 as being anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 7,031,937 to Brown et al. The applicant respectfully traverses the rejections and requests reconsideration and allowance of all claims.

Rejections of the Claims

35 U.S.C. §102(e) requires disclosure in the reference of each and every element and limitation in the claims. Multiple elements and/or limitations of independent claims 1, 30, 39 and 40 are not disclosed in the Brown reference. Accordingly, applicant respectfully submits that claims 1-40 are not anticipated under 35 U.S.C. §102(e) by the Brown reference.

An interview with the examiner was conducted on October 13, 2006, in which the examiner indicated that the rejections would be withdrawn pending some amendments, which have been included in this amendments and response. The examiner further advised the applicant to submit a response with remarks, which is provided.

Rejection of Claim 1

With regard to claim 1, the cited Brown reference fails to disclose various elements of the claim. For example, the Office Action indicates that the Brown reference discloses "retrieving from a database, in response to the information identifying the issuer, the purchase date and the sale date, a list of capital events that occurred in connection with the security between the purchase date and sale date, wherein the list of capital events includes at least one event selected from the group consisting of a distribution reinvestment, a spin-off event, a merger event and a split event, and wherein the database stores past price per share information and capital events for a plurality of different securities associated with different issuers." The cited portions of the Brown reference, however, do not disclose retrieving such a list of capital events, particularly a list of capital events that includes at least one of a "distribution reinvestment, a spin-off event, a merger event and a split event ." Because the Brown does not disclose retrieving a list of capital events, claim 1 is not anticipated by the reference.

The Office Action further states that the Brown reference teaches “retrieving from a database one or more shares held adjustment ratios, wherein the shares held adjustment ratios correspond to at least one of the capital events that occurred in connection with the security between the purchase date and the sale date.” Although the Brown reference discloses retrieving “[p]resent market value information” (col. 5, line 22), there is no disclosure of shares held adjustment ratios or other information for adjusting the number of shares held. Accordingly, the Brown reference does not anticipate claim 1.

The Office Action also states that the Brown reference teaches “determining a current cost basis associated with the security by applying at least one shares held adjustment ratio to the initial basis of the security.” As mentioned, the Brown reference does not disclose a shares held adjustment ratio and does not disclose the use of a shares held adjustment ratio in calculating a cost basis for a security. Consequently, the Brown reference does not anticipate claim 1.

Finally, with reference to claim 1, the Office Action asserts that the Brown reference discloses, “if multiple shares held adjustment ratios were retrieved from the database, then assigning an intermediate cost basis equal to the current cost basis; adjusting the current cost basis by applying a further shares held adjustment ratio to the intermediate cost basis; and repeating the steps of assigning an intermediate cost basis equal to the current cost basis and adjusting the current cost basis until each further shares held adjustment ratio retrieved from the database has been used to adjust the cost basis of the security, wherein each further shares held adjustment ratio retrieved from the database has an event date associated therewith and is applied in a chronological order such that the shares held adjustment ratio associated with a latest event date is applied in a final iteration of the step of adjusting the current cost basis.” The Brown reference does not, however, disclose retrieving shares held adjustment ratios or applying those shares held adjustment ratios to adjust a cost basis for a security. Furthermore, the reference does not disclose applying multiple shares held adjustment ratios to alter the cost basis of a security. Consequently, the Brown reference does not anticipate claim 1.

Rejection of Claim 30

Similarly, claim 30 calls for “accessing a database to identify capital events of interest, wherein said capital events of interest occurred after the investment was purchased, said capital events further including at least one capital event from the group consisting of a dividend reinvestment event, a spin off event, a merger event, a split event, and an option expiration event.” Once again, the Brown reference fails to disclose retrieving such a list of capital events and so does not anticipate claim 30.

Claim 30 also calls for “determining from a database the effect of identified capital events of interest on the basis of the investment” and “applying the effect of identified capital events of interest to the original basis to determine a corrected basis.” The Brown reference fails to disclose these elements and limitations. Accordingly, the Brown reference does not anticipate claim 30.

Rejection of Claim 39

Claim 39 calls for “software that causes the computer system to retrieve from the database, in response to the information identifying the issuer, the purchase date and the sale date, a list of capital events that occurred in connection with the security between the purchase date and sale date, wherein the list of capital events includes at least one event selected from the group consisting of a reinvested dividend event, a stock spin-off event, a stock merger event and a stock split event, and wherein the database stores past price per share information and capital events for a plurality of different securities associated with different issuers.” The Brown reference does not disclose software configured to retrieve such a list of capital events and so does not anticipate claim 39.

Furthermore, claim 39 requires that “the software further causes the computer system to retrieve from the database one or more cost basis adjustment ratios, wherein each of the cost basis adjustment ratios corresponds to one of the capital events that occurred in connection with the security between the purchase date and the sale date” and “the software further causes the computer system to determine a current cost basis associated with the security by applying a first

cost basis adjustment ratio to the purchase price per share of the security.” Again, the Brown reference does not disclose retrieving such a cost basis adjustment ratios or applying a first cost basis adjustment ratio to determine a current cost basis associated with the security. Accordingly, the Brown reference does not anticipate claim 39.

Finally, claim 39 calls for “if multiple cost basis adjustment ratios were retrieved from the database by the software, then the software: assigns an intermediate cost basis equal to the current cost basis; adjusts the current cost basis by applying a further cost basis adjustment ratio to the intermediate cost basis; and repeats the steps of assigning an intermediate cost basis equal to the current cost basis and adjusting the current cost basis until each further cost basis adjustment ratio retrieved from the database has been used to adjust the current cost basis, wherein each further cost basis adjustment ratio retrieved from the database has an event date associated therewith and is applied in a chronological order such that the cost basis adjustment ratio associated with a latest event date is applied in a final iteration of the step of adjusting the current cost basis.” However, the Brown reference does not disclose retrieving cost basis adjustment ratios or applying those cost basis adjustment ratios to adjust a cost basis for a security. Furthermore, it does not disclose applying multiple cost basis adjustment ratios to alter the cost basis. Consequently, the Brown reference does not anticipate claim 39.

Rejection of Claim 40

Claim 40 calls for “means for retrieving from the database, in response to the information identifying the issuer, the purchase date and the sale date, a list of capital events that occurred in connection with the security between the purchase date and sale date, wherein the list of capital events includes at least one event selected from the group consisting of a reinvested dividend event, a stock spin-off event, a stock merger event and a stock split event, and wherein the database stores past price per share information and capital events for a plurality of different of securities associated with different issuers.” The Brown reference does not disclose retrieving a list of capital events wherein at least one event consists of a reinvested dividend event, a stock

spin-off event, a stock merger event and a stock split event. Accordingly, the Brown reference does not anticipate claim 40.

Claim 40 also calls for “means for retrieving from the database one or more cost basis adjustment ratios, wherein each of the cost basis adjustment ratios corresponds to one of the capital events that occurred in connection with the security between the purchase date and the sale date.” Because the Brown reference does not disclose retrieving cost basis adjustment ratios, it does not anticipate claim 40.

Finally, claim 40 calls for “means for determining a current cost basis associated with the security in accordance with the one or more cost basis adjustment ratios and the purchase price per share of the security.” The Brown reference does not disclose determining a current cost basis in accordance with one or more cost basis adjustment ratios. Accordingly, the Brown reference does not anticipate claim 40.

Dependent Claims

Furthermore, the dependent claims 2-29 and 31-38 are not anticipated by the Brown reference as they depend from claims that are not themselves anticipated by the Brown reference. Because all dependent claims must incorporate all limitations of a parent claim, any claim that depends from an unanticipated claim must, therefore, be unanticipated. See MPEP 608.01(i) Claims [R-3].

Nonobviousness

Finally, the applicant notes that nothing in the Brown reference suggests the subject matter of claims 1, 30, 39 and 40 such that the claims could be considered obvious in view of the Brown reference under 35 U.S.C. § 103. For example, the Brown reference does not disclose calculating a cost basis for a security based upon one or more capital events. Rather, the Brown reference simply discloses using the original price of the security. Consequently, one or more capital events could not be used to modify the basis for a security in the Brown system, and a

Serial No. 09/844,198
Amendment and Response dated November 20, 2006
Response to Office Action of June 19, 2006

person of ordinary skill in the art could not modify the Brown reference to arrive at the claimed invention.

Additional Issues

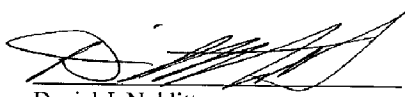
The examiner indicated in the interview that the claims should be amended in view of current §101 requirements relating to tangible output. Claim 1, the sole independent method claim, has been so amended. In addition, the claims have been amended to address various informalities and provide clarification of the language.

CONCLUSION

Please consider the amendments and remarks. In view of the present amendments and comments, the applicant respectfully submits that the claims are in condition for allowance. Please contact the undersigned attorney at the address and telephone number noted below with any questions or comments.

Respectfully submitted,

Date: November 20, 2006


Daniel J. Noblitt
Reg. No. 35,969

Noblitt & Gilmore, LLC
4800 North Scottsdale Road
Suite 6000
Scottsdale, Arizona 85251
Telephone: 480.994.9859
Facsimile: 480.994.9025